

☒ R/W MANUAL CHANGE
(1993 Edition)

RWMC- 162

☐ PROCEDURAL HANDBOOK
(1984 Edition)

RWPH-____-____
TRANSMITTAL#____

TITLE: UTILITY RELOCATIONS	APPROVED BY: <i>Lorrie L. Wilson</i> LORRIE L. WILSON	JAN - 8 2007 DATE ISSUED: 1-8-07 Page 1 of 2
SUBJECT AREA: CHAPTER 13 – UTILITY RELOCATIONS	ISSUING UNIT: OFFICE OF UTILITIES AND ORGANIZATIONAL DEVELOPMENT	
SUMMARY OF CHANGES: Updates Chapter 13 Table of Contents, Chapters 13.01.00.00 and 13.02.00.00.		

PURPOSE

- To update policies and procedures to conform to new processes established in Right of Way (R/W).
- To make changes, modifications and additions to allow for more consistency.
- To apply formatting update and, where applicable, correct any typographical errors.

PROCEDURES

Table of Contents	Adds new sections regarding Utility Files and Diaries and Pos-Loc Agreements and processes. Changes some section numbers to accommodate manual changes.
13.00.00.00	Changed Chapter 13's title to "Utility Relocations."
13.01.01.00	Deletes reference material information.
13.01.01.01	Moves utility files and diary information to new section, 13.01.01.04. Lists additional responsibilities.
13.01.01.02	Eliminates definition of FHWA Specific Authorization. Minor wording changes.
13.01.01.03	Adds Web site address for URFs. Other minor wording changes.
13.01.01.04	New section regarding requirements for Utility Files and Diaries.
13.01.02.00	Changes title of section to include "Laws."
13.01.02.01	Clarifies delegation of authority.
13.01.02.04	Corrects Division of Design title.
13.01.02.05	Minor wording changes.
13.01.02.06	Adds reference to new exception process for utility work prior to environmental approval.
13.01.02.08	Adds name of High/Low Risk Policy and exhibit reference number.
13.01.02.09	Clarifies criteria for advancing owner's pro rata share of liability and adds a Web site reference for Surplus Money Investment Fund.
13.01.02.10	Minor wording changes.
13.01.02.11	Corrects reference to Construction Manual section. Clarifies relocation inspection requirements.
13.01.02.12	Adds section references. Other minor wording changes.
13.01.02.13	Corrects Division of Design title. Adds reference to Encroachment Exception Policy exhibit.

13.01.03.00	Minor change to title of section.
13.01.03.01	Minor wording changes.
13.01.04.00	Minor wording changes.
13.01.05.00	Minor wording changes.
13.01.05.01	Added new section on "RUMS Lite."
13.01.06.00	Changes payment of positive location charges to Phase 9 EA. Other minor wording changes.
13.01.06.01	Updated EA charging phases.
13.01.06.02	Added new section on "EA Splits, Combines and Revisions."
13.02.01.01	Minor wording changes.
13.02.01.02	Minor additions.
13.02.02.00	Changed section to new subject, "Work Before Environmental Approval."
13.02.02.01	Added section number and transferred "Corridor/Route Preservation" information.
13.02.02.02	Added section number and included information about the exception process for utility work prior to environmental approval.
13.02.03.00	Minor wording changes.
13.02.04.00	Minor wording changes.
13.02.04.01	Minor wording changes.
13.02.04.02	Minor wording changes.
13.02.05.00	Minor wording changes.
13.02.05.01	Minor wording changes.
13.02.05.02	Changed title to read "Draft Environmental Document to Owners."
13.02.05.03	Minor wording changes.

EFFECTIVE DATE

Effective immediately.

MANUAL IMPACT

- Remove the superseded pages and insert the attached pages in the Manual.
- Record the action on the Revision Record.

REVISION SUMMARY

<u>Chapter</u>	<u>Remove Old Pages</u>	<u>Insert New/Revised Pages</u>
	Remove the following in its entirety:	Replace with the following in its entirety:
13 - Sections	Table of Contents (REV 7/2005) 13.01.00.00 (Rev. 6/99) 13.02.00.00 (Rev. 6/99)	Table of Contents (REV 1/2007) 13.01.00.00 (REV 1/2007) 13.02.00.00 (REV 1/2007)

CHAPTER 13

UTILITY RELOCATIONS

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13.00.00.00 - UTILITY RELOCATIONS

13.01.00.00 - INTRODUCTION

13.01.01.00 General

This chapter prescribes policies, procedures, standards, and practices for the statewide coordination of utility relocations required for construction of transportation projects. The chapter is organized based on the usual sequence of events from project inception (planning) to project completion (construction). Although it is impractical to include all policy interpretations and instructional material, this chapter does contain the information required to do the job.

In general, Departmental Utility policies apply to public utilities. “Public utilities” are defined as those utilities either publicly, cooperatively or privately owned that provide a product or service, either directly or indirectly, to the public for a fee.

Separate “Utility Reference File” memorandums supplement this chapter and provide background or guidance on subjects that occur less frequently. (See Section 13.01.01.03.)

13.01.01.01 District Utility Coordinator Responsibilities

The District Director is responsible for relocation or removal of utility facilities that are either in physical conflict or in violation of the Department’s utility accommodation policy for transportation projects. This responsibility shall be delegated to the District Division Chief-R/W, who will authorize the District Utility Coordinator(s) to implement the Department’s policies, including the following specific directions:

- Establish files that document actions taken or recommended during the life of a project. (Section 13.01.01.04)
- Prepare route estimates based on possible relocations. Update and revise the estimates, when necessary. These estimates are used for capital and support budgeting needs for current and future fiscal years. (Sections 13.02.04.00, 13.02.04.01 and 13.02.04.02)
- Act as the Department’s primary point of contact with Utility Owners for identifying and verifying all utility facilities lying within existing and proposed rights of way of planned construction projects. (Section 13.03.02.00)
- Coordinate positive location requirements for all High/Low Risk Utility Facilities within the project limits. (Section 13.03.03.00)
- Coordinate with P&M on preparing the FHWA Authorization to Proceed (E-76) for projects that will be federally funded. (Section 13.14.03.00)
- Coordinate “avoidance” of utility facilities and/or transmit identified conflicts to Utility Owners. (Sections 13.03.01.03 and 13.03.04.00 through 13.03.04.04)
- Actively participate on Project Development Teams. (Section 02.02.02.00)

- Obtain and analyze data to allocate cost between Owner and State for all required utility adjustment work and to clearly document, support and, in cases where the State has cost liability, set forth the basis of this finding in a Report of Investigation. (Section 13.05.00.00)
- Assist in preparing and/or reviewing (1) encroachment exception requests and (2) High/Low Risk Policy exceptions. (Section 13.01.04.00)
- Review utility consultant design agreements when required for utility relocation. (Section 13.03.01.06)
- Prepare and approve FHWA Specific Authorization and FHWA Approval of Utility Agreement for federally funded utility work in accordance with delegated authority. (Sections 13.14.02.00, 13.14.04.00 and 13.14.08.00)
- Prepare and issue Notices to Owner, Utility Agreements, and Encroachment Permits in accordance with delegated authority. (Sections 13.06.00.00 and 13.07.00.00)
- Coordinate with P&M on preparing a R/W Certification for proposed construction projects. (Section 13.08.00.00)
- Verify Owner's relocation bills and process for payment when acceptable. (Section 13.10.00.00)
- Coordinate preparation of and review necessary property right conveyances for Owners. (Section 13.11.00.00)
- Provide oversight activities to LPAs and consultants on State highway projects funded by others. (Section 13.12.00.00)
- Provide stewardship role to Local Public Agencies on federally funded Local Streets and Roads projects. (Section 13.12.00.00)
- Coordinate billing and refunding of LPA funds relating to utility costs pursuant to Cooperative Agreement provisions. (Sections 13.12.05.02 and 13.12.05.03)
- Coordinate with the Department's offices, divisions, and branches and external organizations, both public and private, to ensure the above directions are implemented.
- Coordinate with the Department's Encroachment Permits Section regarding review of permits for wireless facilities on conventional highways.

13.01.01.02 **Definitions**

The following definitions are for purposes of the Utility Relocations Chapter and the Department's R/W utility relocations only.

- **FACILITY** - Facility is synonymous with utility facility. A facility is any pole, poleline, pipe, pipeline, conduit, cable, aqueduct, or other structure or appurtenance used for public or privately owned utility services, or used by any mutual organization supplying water or telephone service to its members.
- **OWNER** - Owner is synonymous with Utility Owner. An Owner is any private entity or public body (including city, county, public corporation, or public district) that owns and/or operates a utility facility which directly or indirectly serves the public for a fee.

- **LIABILITY (COST LIABILITY)** - A financial obligation or responsibility to pay for relocation of utility facilities affected by the State's project.
- **POSITIVE LOCATION (POS-LOC)** - Positively determining the existence, location and identification of a utility facility to within 0.5 feet through the use of vacuum excavation, potholing, probing, electronic detection, or a combination thereof as deemed acceptable by the Project Engineer. Refer to the Policy on High and Low Risk Underground Facilities within Highway Rights of Way, Exhibit 13-EX-3, for specific requirements.

13.01.01.03 **Utility Relocations Reference Materials**

The Reference File System has been established by Right of Way as a tool to supplement the R/W Manual in order to provide guidance on infrequently occurring situations, more extensive background information, policy interpretations, and instructional material impractical to include within the basic Manual. The "Utility Reference File" (URF) memorandum has been established as the vehicle to supplement the Utilities Chapter of the R/W Manual.

The District Utility Coordinator is responsible for maintaining a complete set of the "Utility Reference File" memorandums (URFs). To provide a basis for uniform and equitable service to all Utility Owners (Owners), this file is to be made available to all Utility Coordinators. In addition, URFs can be found on the HQ R/W Utility Relocations Intranet Web site at <http://pd.dot.ca.gov/row/offices/utility/urf/>.

All Regions/Districts should also assemble and maintain a library of pertinent, supplemental Utility Relocations reference material to assist the Utility Coordinators in doing their jobs. To help the Districts compile a library, a listing of selected manuals, guidelines, and other references is listed in Exhibit 13-EX-1. It is up to the region/district to obtain the materials.

13.01.01.04 **Utility File and Diary**

The diversity and complexity involved in the relocation of utility facilities and their potential safety impacts make it mandatory that files be established and thoroughly documented. In addition, FHWA regulations [23 CFR 645.119 (c)(1)(iv), Alternate Procedure approval] require documentation of actions taken in compliance with State and Federal policies.

A separate utility file should be established for each involvement on a project. An "involvement" is defined as the issuance of a Notice to Owner for a specific utility facility on one project (EA). For example, if a project has relocations for PG&E-Gas Transmission, PG&E-Gas Distribution and PG&E-Electric Distribution, it would equal three (3) involvements.

Each District Utility Coordinator should consider the needs and methods of their district and initiate a district procedure for a utility file diary. Each file shall contain all of the mandatory components and shall be organized in a uniform fashion throughout the district.

The utility file shall contain the following items, as applicable:

- Diary notes.
- Copies of the supporting liability documentation.
- Report of Investigation.
- A copy of the Notice to Owner.
- A fully executed wet-ink original of the Utility Agreement.
- A copy of the relocation plans.

- Copies of the E-76.
- Copies of the FHWA Approval of the Utility Agreement and Specific Authorization.
- Any correspondence with Project Engineers, the Resident Engineer, and with other Departmental divisions.
- Any correspondence with Utility Owner.
- Any discussion, meeting, or review of importance that does not generate a document for the file must be recorded in the diary or in a memorandum to the file.

In every instance, the author shall date and sign (or initial) all diary entries and notations in the file. A sample diary is shown in Exhibit 13-EX-2.

13.01.02.00 Applicable Utility Laws and Policies

The following is a selected list of laws, regulations and policies that shall be uniformly applied.

13.01.02.01 Delegation of Authority

Regions/Districts are authorized to approve all Reports of Investigation (Form RW 13-3), including liability determination, Notices to Owner, FHWA Specific Authorization to Relocate Utilities (Form RW 13-15), Utility Agreements and FHWA Approval of Utility Agreement (also on Form RW 13-15) for all utility relocations and positive locations, in accordance with the policies set forth in this Manual, and appropriate memoranda, with the exception of “liability in dispute.” (Section 13.04.09.00 et seq.) See the Delegation Matrix on the HQ R/W Intranet Web site for any changes to the delegations.

The Department’s agreement with FHWA requires that a Senior Right of Way Agent fully versed in Utility Relocations must make the Region/District approvals. Further delegation to an Associate Right of Way Agent is not authorized under any circumstances.

Region/District approval shall only be granted when all documentation is complete and in the file. Knowledge that documentation is “pending” is not sufficient to place the Region/District in a position to make an approval.

All Region/District approvals will require compliance with current preaward evaluation criteria. (Section 13.05.02.02 and URF 02-2)

As a condition of the delegation to the Region/District, the Report of Investigation Approval Guide (Form RW 13-16) must be completed by the delegated Senior R/W Agent at the time of approval and retained in the utility file. An approved E-76, meeting the criteria specified in Section 13.14.02.00, must be received prior to the approval of any FHWA Specific Authorization.

Additionally, as part of our agreement with FHWA under the Alternate Procedure, the delegated Senior R/W Agent must complete form FHWA Guide for Review of Utility Agreements (Form RW 13-17) for every relocation where Federal aid funding will be sought.

Delegated Senior R/W Agents are to fully review and familiarize themselves with the FHWA publication Program Guide: Utility Adjustments and Accommodation on Federal-Aid Highway Projects and 23 CFR 645.

If it is discovered that Federal procedure or delegation authorization has not been followed, the Region/District will be responsible for ensuring that Federal reimbursement is not sought. Should the error be discovered after Federal vouchering, the Region/District will be responsible for refunding the incorrectly vouchered funding. The delegated Senior Utility Agent or Utility Coordinator should contact Planning and Management to determine the process for correcting the vouchering errors.

13.01.02.02 **Incorporation of City Streets or County Roads Into the State Highway System**

City streets or county roads that become part of the State highway right of way shall be considered incorporated into the State highway system on the date of the CTC resolution or, if later, the date specified for taking actual physical possession of the road. (See S&H Code Sections 81, 82, and 83.)

13.01.02.03 **Encroachments Within Conventional Highways**

All utility encroachments within State highway rights of way shall be installed and maintained so as to minimize traffic disruption and other hazards to highway users. Facilities shall be located as close to the edge of the highway right of way line as reasonably practicable. Facilities shall be installed to minimize interference with highway maintenance and operation and to prevent impairment of the stability of the highway or its appurtenances to the maximum extent practicable.

13.01.02.04 **Encroachments Within Freeways and Expressways**

The Department's policy is to prohibit all at-surface encroachments within the access control lines of freeways. Utility crossings are permitted where supporting structures or manholes are located outside access control lines. Encroachment exceptions are permitted only where space is available, facilities may be safely installed and maintained, and no other reasonable alternative is available. The Division of Design, Encroachment Exceptions Section, must approve all exceptions to the policy. See 13-EX-4 for the Department's Encroachment Policy and the procedure for getting exceptions approved.

13.01.02.05 **Hazardous Waste Impacted by Facility Relocations**

State ordered utility relocation work to be done within the highway project limits is a necessary part of the highway project construction. Any hazardous waste (HW) encountered within the project limits as a result of State ordered utility work is handled in the same manner as HW encountered by any other part of the highway project construction. Immediately inform the Project Engineer of all potential utility adjustments that may affect identified HW sites so the remediation work is identified as part of the project remediation requirements.

HW encountered outside the project limits, such as on the grantor's remaining property, other private property, or on local streets and roads beyond the limits of the State highway project, is not the Department's remediation responsibility. Any extraordinary costs associated with remediation or unusual work requirements due to HW encountered outside the highway right of way are considered part of the Owner's necessary relocation effort. The Department may pay its proportionate share of these costs as part of normal relocation reimbursement in accordance with the usual liability determination process.

See the Freeway Master Contract for details of handling hazardous materials and their associated costs on freeway projects for those Owners who have signed a new Freeway Master Contract.

All exceptions to this policy shall be processed through Headquarters R/W for approval.

See Section 13.02.05.03 for Hazardous Waste Exceptions.

13.01.02.06 **Work Before Environmental Approval**

Pursuant to California Public Resources Code Sections 21102 and 21150, environmental approval shall be received prior to any expenditure of capital funds for detailed design or relocation of utility facilities. This does not preclude an expenditure of funds for the Owner's preliminary engineering or State's positive location work in support of the environmental document.

In addition, the Department has established an exception process to request and obtain HQ R/W approval to order an Owner to commence design activities prior to the approval of the environmental document but after completion of the environmental studies and the selection of the preferred alternative. See Utility Reference File 02-1 (URF 02-1) for the procedure for getting exceptions approved.

If, at any time during the project, an environmental reevaluation is required, no work other than studies or positive location work should proceed outside of the "area of potential effect"(APE) evaluated and approved in the original environmental document until the reevaluation is completed.

13.01.02.07 **Verification of Utility Facilities**

Pursuant to Government Code Section 4215, governmental agencies shall make every reasonable effort to locate all existing utility facilities within the right of way of a proposed construction project and to identify the facilities on construction contract plans. Failure to identify utility facilities on plans may make the State liable for damages to the facilities resulting from planned construction.

13.01.02.08 **Policy on High and Low Risk Underground Facilities Within Highway Rights of Way**

The Department is responsible to provide a safe environment for employees of the Department and its contractors, as well as the traveling public. An important element of the safe environment is providing a clear and safe right of way through the proper placement, protection, relocation, or removal of utility facilities that may pose a safety risk to the highway worker or user when the utility is excavated, cut, or penetrated. Toward this end, the Department shall establish and enforce mandatory standards and procedures for the placement and protection of underground utility facilities within highway rights of way and for the safety of highway workers involved in maintenance or construction operations in proximity to underground utility facilities. These mandatory standards and procedures are known as the Policy on High and Low Risk Underground Facilities Within Highway Rights of Way. For a copy of this policy, which is Appendix LL of the Project Development Procedures Manual, see Exhibit 13-EX-3.

13.01.02.09 **Advancing Cost of Relocation to Owner**

Streets and Highways (S&H) Code Section 706 provides criteria for the advancement of funds for utility relocations.

Subject to S&H Code Section 706, the Owner's pro rata share of the relocation costs can only be advanced after it has been conclusively shown that the owner is financially unable to bear the cost of relocation and is unable to secure other financing for the work. To meet this test, the Owner shall provide a signed statement to that effect and provide documentation that they have attempted to secure other financing and have been denied.

When an advancement of the Owner's pro rata share of the relocation costs is made in accordance with Section 706, interest shall be charged at the rate of earnings of the Surplus Money Investment Fund (SMIF) and must be repaid within ten (10) years. See Region/District P&M or the State's Web site at <http://www.sco.ca.gov> for current SMIF rates.

Funds shall not be advanced to cover any Owner requested betterments to the facility.

13.01.02.10 **Advance Deposit for State Contract Performed Work**

State administrative rules require that an advance deposit must be made to the State for the estimated cost of work to be done by the State on behalf of another entity (Owner). An exception is authorized for any Owner possessing a Master Agreement or Freeway Master Contract with the State.

13.01.02.11 **Inspection of Relocation Work**

The Department's Construction Manual, Chapter 3, General Provisions, Section 3-809 Utility and Non-Highway Facilities, provides that whenever work is underway on any relocation being done to clear the right of way for construction, an engineer must be assigned to inspect and accept the work. Depending on the state of development of the project, the engineer may be a Project Engineer (PE) or a Resident Engineer (RE). If no engineer has been assigned, the Utility Coordinator shall contact the Project Manager or Construction Senior to ensure an engineer is assigned. Without an assigned engineer to inspect the work, the utility relocation should not proceed.

The PE or RE, or his/her delegate, shall inspect all utility relocation work. The inspection must be documented in Inspector's diary notes. Copies of these notes should be sent to the Utility Coordinator on a regular basis and placed in the Utility File.

As soon as an RE is formally assigned to a project, the RE assumes primary responsibility for coordinating all construction activities. However, all communications with the Owners, including modification of the scope of work or the need to have utility work performed on premium or overtime shall be the responsibility of the Utility Coordinator and shall be done in writing. All decisions relating to utility relocation work, including additional or supplemental liability determinations, shall be made by the Region/District Utility Coordinator or HQ R/W, as applicable. Under no circumstances is Construction allowed to make liability determinations. Significant changes shall be covered by an amended Notice to Owner and Utility Agreement issued by the Utility Coordinator.

13.01.02.12 **Application of Master Agreements/Freeway Master Contracts to Special Funded Projects**

The Department has entered into Master Agreements or Freeway Master Contracts with several Owners for the apportionment of relocation costs on freeway projects. (Section 13.04.03.00) These agreements, authorized by S&H Code 707.5, shall be applied in lieu of otherwise applicable S&H Code sections and shall be applicable to all freeway projects on State highways that are part of the California Freeway and Expressway System no matter what the source of project funds or agency responsibility for project design. The only exception is when the freeway or expressway improvement project is the result of a private development mitigation requirement, in which case the private developer is responsible for all utility relocation costs in accordance with applicable law. (Section 13.12.04.00)

13.01.02.13 **Utility Facilities Within State Highways**

State law allows the use of State highway rights of way for public utility facilities owned by public agencies or by private companies recognized by the California Public Utilities Commission as a provider of a public utility service, when such use does not interfere with the primary purpose of the State highway. (S&H Code 117)

All utility facilities and other encroachments located within State highway rights of way must be covered by an Encroachment Permit and placed in accordance with the Department's standards. All exceptions to applicable requirements as set forth in the Department's "Encroachment Permits Manual" must have Division of Design, Encroachment Exceptions Section, prior approval. See Exhibit 13-EX-4 for the Department's Encroachment Policy and the procedure for getting exceptions approved.

13.01.03.00 **Private Utility Facility Relocations**

Relocation of all private utility facilities shall be by the usual appraisal/acquisition process rather than by the public utility relocation process.

A private utility facility is one that provides a utility service for the exclusive use of a privately owned business, farm operation, etc., or provides an exclusive service to improvements and occupants of an individually owned property. Examples of this type of utility facility are:

- Facilities located on a military base, school grounds, manufacturing complex, etc., owned and maintained by the property owner for their exclusive use.
- A facility interconnecting individually owned but dispersed operating sites providing an exclusive and private service to the site owners.

Separation of the private utility facility from the public utility facility occurs at the point where the privately owned and maintained facility connects to the public facility.

13.01.03.01 **Private Facilities in State Highways**

Private transverse crossings shall not be unreasonably denied as long as they meet the Department's standards.

However, the longitudinal placement of private utility facilities within the State highway right of way is generally prohibited by law, as the free use of public property by private entities is tantamount to a "gift of public funds." Any exception request must have Division of Design, Encroachment Exceptions Section, prior approval.

Private longitudinal installations within State highways may be allowed only under the following circumstances:

- A. The private use is based on a retained property right.
- B. Oil company facilities that were placed within the right of way of a city or county road under a local agency issued franchise agreement before the road became a State highway may remain within the State highway for the duration of its useful life or until physically impacted by a highway improvement project, at which time it shall be relocated outside the highway right of way. If the oil company facility is claimed and proven to be a "common carrier," it should be handled in the same manner as a public utility facility.
- C. Cogeneration plants' transporting lines that transport electricity to a public utility may be treated as public utilities and their transporting lines allowed as encroachments within the State highway subject to the usual utility accommodation requirements. The electrical generator portion of the operation, if impacted by the highway project, should be treated as any other business operation subject to the acquisition process.

13.01.04.00 **Encroachment Exceptions**

The Division of Design, Encroachment Exceptions Section, is responsible for review and approval of specific requests for exceptions to established standards and policies governing encroachments within State highway rights of way. Requests for encroachment exceptions must be prepared by the Project Engineer, in writing, and sent to the Division of Design, Encroachment Exceptions Section. A copy of all utility relocation exception requests should be forwarded to Headquarters R/W for concurrent review. Requirements for the exception request are found in Exhibit 13-EX-4.

13.01.05.00 **Right of Way Utility Management System (RUMS)**

The RUMS computer system is used to track the progress of projects that involve utilities. This system identifies a project by district and EA. Within a project, utility information is further broken down for each Owner involvement. Each Owner's involvement is identified by a unique file number.

RUMS is an on-line, mainframe (legacy) system, which means you interact directly with the system through your PC using ERICOM software to input and update the data. Owner data for a project and/or utility file number is displayed along with some project data pulled from PMCS.

Relocation milestones for each Owner on the project are viewed and updated directly in the system. Reports can also be produced from RUMS. Always be sure to check for computer messages at the bottom of the screen if problems are encountered.

The District Utility Coordinator is responsible for ensuring the information in the RUMS system is up to date and accurate. Headquarters R/W can provide training and assistance if needed. For specific RUMS user instructions, see Exhibit 13-EX-5 and "How to Access RUMS" on the HQ R/W Utility Relocations Web site.

13.01.05.01 **RUMS Lite**

RUMS Lite is a new database run with FileMaker Pro software. The information in RUMS Lite is downloaded from RUMS weekly by HQ R/W. The RUMS Lite database is user friendly and provides for finding and sorting the data to the user's needs. In addition, reports (queries) can be customized by the user, unlike the standard reports provided by RUMS. Queries can then be exported and opened in Excel.

13.01.06.00 **Charging Practices**

The Department maintains a comprehensive cost accounting system, major segments of which involve accounting for employee time (support) and expenditure of funds (capital) and reporting production. Ensuring support and capital are correctly charged enables the Department to report expenditures and maintain financial control on active budgets and serves as the foundation for justifying and developing future budgets. Accurate time reporting also provides cost data for effective project management, preparation of annual financial statements and legislatively mandated reports, and billing of reimbursable work.

Before any work is performed on any project, the Utility Coordinator will verify with P&M that a valid EA has been established. Actual work performed or costs incurred must always be charged to the correct EA and Work Breakdown Structure (WBS) code. See also the R/W Time Charging Manual, a copy of which must be maintained in the Utility Relocations library.

13.01.06.01 **EA Phases**

PHASE 0 (PA&ED)

- Charge very early preliminary engineering to Phase 0 (e.g., PID review).

PHASE 1 (Design - PS&E)

- Charge preliminary engineering to Phase 1 (e.g., route adoption studies, data sheet, field review).

PHASE 2 (Right of Way Operations)

- Charge Capital Outlay Support charges to Phase 2 (i.e., staff/time charges for completing all R/W utility work after PA&ED is complete).
- In some cases, where no other R/W work is required and no Notices to Owner will be written, Phase 2 may not be established.

PHASE 4 (Major Construction Contract)

- Charge capital outlay for utility relocation work performed by the State's highway contractor to Phase 4. Only Construction can encumber and charge Phase 4.
- No Right of Way capital support/outlay charges should be made to Phase 4.

PHASE 9 (Right of Way Capital Outlay)

- Charge the actual cost of the relocation work to Phase 9 (i.e., utility company billing for State's share of the relocation costs).
- Charge payment of all positive location billings to Phase 9.
- No Utilities Capital Support charges should be made to Phase 9.

13.01.06.02 **EA Splits, Combines and Revisions**

Through the duration/life of a project, the EA may change for a variety of reasons. The Project Engineer/Manager may need to split or combine projects for delivery or programming reasons. These changes may occur at any time. If the EA changes during the utility relocation stage, it is a good practice to include the original EA on all documents, along with the current EA. For example, EA 443329 (original EA 443309). That way, the document contains current information for accounting and charging, but still retains the history of the project for tracking purposes.

13.02.00.00 - PLANNING PHASE

13.02.01.00 General

Duties relating to this phase of the project are normally performed prior to Environmental Clearance and Project Report approval. Activities generally consist of:

- Corridor/Route Preservation.
- Route Estimating.
- R/W Data Sheet preparation.
- Draft Project Report review.
- Draft Environmental Document review.

13.02.01.01 Preliminary Engineering

Public Resources Code Sections 21102 and 21150 state that environmental clearance must be received prior to any expenditure of funds for a project (Phase 9 funds). This does not preclude expenditure of funds covering Owner performed work critical for inclusion in the environmental document. This work is generally referred to as “preliminary engineering” and includes such items as:

- Facility verification effort, including necessary positive location work.
- Owner effort required to determine and identify new utility facility rights of way and resultant environmental impacts.

FHWA must approve an E-76 prior to authorization of preliminary engineering so that Owner’s preliminary engineering costs may be federally reimbursed. The approved E-76 does not provide FHWA Specific Authorization. FHWA Specific Authorization must be obtained separately before the actual relocation work is started. See Section 13.14.00.00 for more discussion on federal-aid procedures.

13.02.01.02 Future Project Coordination

Utility Owners, like the State, require lead time to develop budgets and plan work required for ordered relocations. Additional lead time may be required to order long lead time materials, to schedule work during non-peak demand periods when utility facilities may be removed from service, and to comply with PUC General Orders. Streets and Highways Code (S&H Code) Section 680 requires “the department shall specify in the demand a reasonable time within which the work of relocation shall commence . . .” The district must, therefore, provide timely planning information to ensure that our relocation notices withstand challenge.

It is critical that the District Utility Relocation staff establish early and continuing coordination with all Owners being affected by proposed projects. Many local agencies hold periodic coordination meetings with Owners within their jurisdictions to discuss planned public works projects in general. District Utility Coordinators are encouraged to discuss State projects at these meetings or to conduct their own liaison meetings.

13.02.02.00 **Work Before Environmental Approval**

Pursuant to California Public Resources Code Sections 21102 and 21150, environmental approval shall be received prior to any expenditure of funds for detailed design or relocation of utility facilities.

This does not preclude an expenditure of funds for the Owner's preliminary engineering or State's positive location work in support of the environmental document.

If, at any time during the project, an environmental reevaluation is required, no work other than studies, preliminary engineering or positive location work should proceed outside of the "area of potential effect" (APE) evaluated and approved in the original environmental document until the reevaluation is completed.

13.02.02.01 **Corridor/Route Preservation**

At times and in an area of development, Owners may plan extensions or additions to their utility facilities within State highway right of way under the terms of their franchise agreements. (See Section 13.04.04.08 for additional information on franchises.) Planned or proposed highway construction may affect these new utility facility installations. The District Utility Coordinator, where feasible, may notify the Owner of all planned highway improvement projects within the district to enable the Owner to make an informed decision about placement of utility facilities within the highway right of way.

If an Owner decides to go ahead with new facility construction and the installation is in a local street or road underlying the State's proposed highway project, the additional cost incurred to install their facilities clear of the State's future construction shall be paid by the Owner.

Although there is no requirement for the Owner to install their facilities to clear State's future construction, it will eliminate the possible relocation, at Owner's expense, of these new facilities in the near future, providing less disruption to their services, less cost to their ratepayers and more efficient project delivery for the Department.

If the Owner decides to go ahead with the new facility construction and the installation is in a location where the Owner has a right that is superior to the State's, the additional cost incurred to install their facilities clear of the State's future construction shall be paid by the State. A special Utility Agreement may be entered into with the Owner to cover the extra cost of the installation. (See Section 13.07.00.00 for additional information on Utility Agreement preparation.)

Headquarters R/W approval is required for an exception to expend capital funds for any corridor/route preservation project prior to Environmental Approval. See the following section and URF 02-1 for the procedure for getting exceptions approved.

13.02.02.02 **Exception Process for Work Before Environmental Approval**

In certain circumstances and to ensure R/W's timely project delivery, it may be necessary to begin design activities prior to Environmental Approval. R/W has established an exception process to request and obtain HQ R/W approval to order an Owner to commence design activities prior to the approval of the environmental document, but after completion of the environmental studies and the selection of the preferred alternative.

Prior to submission to HQ R/W for approval, the request must be reviewed and approved by the Deputy District/Regional Division Chiefs for R/W, Environmental, and Program/Project Management and the District Director.

See Utility Reference File 02-1 (URF 02-1) for the procedure for getting exceptions approved.

13.02.03.00 **Utilities on Donated or Dedicated Future Right of Way**

Donated right of way is property for which the owner was entitled to receive just compensation, but for personal reasons waived that right and deeded to a public agency without compensation. If the donated right of way location is satisfactory to the State's needs, the property may be acceptable even though encumbered with utility facilities. This is based on the premise that even if the State had purchased the right of way, the State may have been liable for any necessary adjustment or relocation of the utility facilities occupying private property.

Dedicated right of way is property that the owner is obligated to convey to public ownership as a condition prior to the granting of a permit, license, or zoning variance for a planned property development. The State must not accept dedicated right of way if it is encumbered with existing or planned utility facilities that are in conflict with the State's accommodation policy. Since the property owner is obligated to provide the right of way without compensation, this obligation extends to conveying it free and clear of all conflicting encumbrances that would otherwise have to be removed through payment of public funds. All conflicting utility encumbrances must be cleared by the property owner prior to conveyance to the public agency or prior to acceptance by the State.

13.02.04.00 **Utility Estimates**

R/W Estimating usually requests the project utility relocation estimate. These estimates are used for the Project Study Report (PSR). The PSR is an engineering report used to document agreement on scope, schedule and estimated cost of the project so it can be included in a future STIP or other programming document.

Since accurate estimates are crucial to both scheduling and ultimate delivery of any given project, utility estimates must be as accurate as possible. Accuracy of any estimate, however, is subject to the quality of plans received and the lead time given. If the plans or lead time are inadequate, the Utility Coordinator shall inform R/W Estimating and/or P&M of such when submitting the estimate. Significant cost contingencies should be specifically identified in the estimate. For example, a potential conflict with a major facility where the project's impact cannot yet be fully determined.

Estimates should always be based on the most probable "worst case" and "highest cost" assumptions. A frequently overlooked cost is that of relocating a facility currently located within an existing freeway as an exception to the Department's utility accommodation policy. Policy requires all utility facilities located within project limits in violation of current utility accommodation requirements be adjusted to meet current requirements. If the facility is located in the project limits subject to a previous encroachment exception and the Utility Coordinator feels the facility may safely remain, it must be reevaluated and resubmitted to the Division of Design, Encroachment Exceptions Section, for approval. (See Section 13.01.04.00 and Exhibit 13-EX-4 for exception requests.) Therefore, for estimating purposes, the Utility Coordinator should assume an exception will not be granted and include estimated costs for a relocation.

The Utility Coordinator should take the following steps in preparing the utility estimate:

- Field review all proposed project route alternatives.
- Identify each Owner and type of utility and prepare a relocation cost estimate for each. The relocation cost estimate may be based on past experiences with relocation costs, unit costs, broad gauge estimates, consultation with utility owners or other method suitable to the facility to be relocated.
- Prepare a total relocation cost estimate for the project, including updating escalation rates when appropriate. Escalation rates can be measured by identifying industry-wide rates in increases in labor, products and materials. These increases can be estimated by comparing current labor rates, accessing industry Web sites for information, reviewing current utility owner invoices and consulting with the Utility Owners.

- Identify the Owner's requirement to complete an environmental study for the proposed utility work or to order long lead time materials for the project and estimate additional lead time necessary for completion.
- Consult with the Project Engineer to identify possible modification of right of way lines or early design changes to avoid potential conflicts, when appropriate.
- Provide workload estimates for all utility related WBS codes. The Utility Coordinator can use past experiences, previous support charges for production of utility documents or workload estimating norms created at the district level.
- Prepare data for the R/W Data Sheet(s) for the project discussing the items above and submit to R/W Estimating.

Use of Exhibit 13-EX-6 is recommended for preparing estimates for all route reviews.

13.02.04.01 **Right of Way Data Sheet**

The R/W Data Sheet is used to provide cost data to be included in the PSR. It is critical that the Utility Coordinator review all proposed projects to ensure any and all possible utility relocation costs are included. This data becomes the basis for R/W project programming in the STIP and SHOPP, which establishes the project's capital and support budgets. Accurate and up-to-date data on project costs and work units are critical.

Workload data from the R/W Data Sheet is entered into PMCS in the EVNT RW screen and cost data from the R/W Data Sheet is entered into the COST RW1-5 screens. PMCS (Project Management Control System) is the Department's Project Database. PYPSCAN (Person Year, Project Scheduling and Cost ANalysis System) is a computerized project estimating and scheduling system within PMCS. This computerized system shows, among other things, project workload (support), monies needed for project expenditures (capital) and lead times needed for project delivery. PYPSCAN is used as a starting place for the development of the project workplans and as a check of resources that are generated by XPM. XPM is a computerized scheduling tool that uses Project Workplan information to determine the required hours by WBS code to complete a particular project. (See Section 3.03.00.00 for more information about PMCS and XPM calculations.)

The District Utility Coordinator is responsible for ensuring that all utility relocations' capital and support needs are up to date at all times and are input into PMCS (or other resource estimating database) via the R/W Data Sheet. The Estimating Chapter (Chapter 4.00.00.00) requires the R/W Data Sheet be updated whenever there is significant change or at least annually. The Utility Coordinator must be sure the Utility Estimate conforms to this same requirement. If the information is not up to date, the Utility Coordinator shall inform P&M by memorandum or revised by R/W Data Sheet.

For instructions and explanations on filling out the utilities portion of the R/W Data Sheet, see Exhibit 13-EX-6.

On federal-aid projects, the E-76 can be prepared and transmitted to P&M for processing after all known conflicts have been identified. See Section 13.14.00.00 for more discussion on federal-aid procedures.

13.02.04.02 **Project Study Report (PSR) Review**

The draft PSR incorporates the R/W Data Sheet or includes information from it. The draft is circulated through District R/W for review and concurrence. It is imperative that a thorough review of all aspects of the project-impacted facilities takes place prior to approval of the PSR. The review should ensure that all facilities to remain within the project area either meet the Department's accommodation policy or that estimated relocation costs are included.

If discrepancies are found in the draft PSR, a revised R/W Data Sheet shall be prepared. The revised R/W Data Sheet, along with a thorough explanation of the discrepancies and/or changes, must be sent to P&M for submittal to the preparer of the draft PSR.

The approved PSR should be circulated through District R/W, with a copy included in R/W's project files.

NOTE: Occasionally, if there are no required R/W acquisitions, utilities may be overlooked. The District Utility Coordinator must proactively identify planned projects to ensure that all draft PSRs are reviewed and R/W Data Sheets are prepared for all projects.

13.02.05.00 Environmental Document Review

The District Utility Coordinator must review the draft environmental document to ensure that utility relocation impacts are addressed. These typically occur, for instance, where an underground facility will be relocated across an environmentally sensitive area, such as a wetland, or where new utility rights of way are to be acquired. The Utility Coordinator must ensure the "area of potential effect" identified in the environmental document covers any parcels identified as potential replacement easements for utility relocations.

Potential Hazardous Waste (HW) impacts resulting from the highway project are usually addressed in the environmental document. If HW is a potential problem on the project, the Utility Coordinator must ensure that the requirements of Section 13.01.02.05 are addressed in the document.

It is also critical to ensure the environmental document does not propose utility-related mitigation commitments that may be in conflict with existing laws or current Departmental policies. Conflicting commitments must have Headquarters R/W prior approval. For example, it is incorrect to propose undergrounding for aesthetic purposes or to require underground utility crossings to be placed as part of the highway construction to mitigate future needs since these commitments may constitute "a gift of public funds."

If utility facility relocations are addressed in the document, then the following suggested wording should be used, but not placed in the "Mitigation Section:"

"All public utility facilities impacted by the proposed transportation project will be relocated and/or accommodated in accordance with State law and regulations and the Department's policies concerning utility encroachments within State highway rights of way."

13.02.05.01 Special Environmental Reviews for 50KV Electric Facilities

Major electric facilities involving substations and/or power lines operating in excess of 50KV may require special permits and environmental review per PUC General Order 131-D. Potential relocations of this type require early coordination with PUC regulated electric Utility Owners to determine General Order applicability. If an environmental review is necessary, including the potential utility relocation in the State's environmental document may substantially reduce lead time requirements for the utility relocation. Questions concerning applicability of this Order to a particular relocation must be resolved between the Owner and the PUC.

13.02.05.02 Draft Environmental Document to Owners

The Utility Coordinator must alert all Owners impacted by a proposed highway project when the draft environmental document is circulated for review. This allows Owners to recommend inclusion of utility relocation needs and thus minimize risk for later project delay resulting from unanticipated relocation environmental problems.

13.02.05.03 Hazardous Waste Exceptions

The Department's hazardous waste policy specifies that remediation of project-related contamination should be completed prior to construction activities. In cases where cleanup prior to construction is not feasible and remediation is proposed during project construction, an exception to this policy must be requested. This policy applies to State ordered utility relocation work within highway project limits (see Section 13.01.02.05).

The Project Manager, working in coordination with the District Project Development functional manager and the Utility Coordinator, shall prepare an exception request for the Regional or District Director's approval. The exception request must be reviewed by the Hazardous Waste Management Office, Headquarters Environmental Program, prior to submission for the Regional or District Director's signature.

Exception requests shall, as a minimum, address the following:

1. A summary of the project and how the project will impact the contamination area;
2. The type and extent of hazardous waste (summary of the hazardous waste investigation), including source and responsible party, if known;
3. The estimated cost to the Department for remediation, including an assessment of future liability if the Department assumes responsibility for remediation;
4. Why it is not practical to defer the project or to modify the project to avoid the contaminated property(ies);
5. The type of remediation proposed, including whether the Department has approval from the appropriate regulatory agencies;
6. Why the property owner or other responsible parties have not assumed responsibility for cleanup;
7. The steps that have been or will be taken to recover cleanup costs and an evaluation from the Legal Division regarding the chance of success; and,
8. The draft special provisions for the remediation items of work.